

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LESLIE DICK WORLDWIDE, LTD. and LESLIE  
DICK, :

Plaintiffs, :

v. :

GEORGE SOROS, SOROS FUND MANAGEMENT  
LLC, SFM MANAGEMENT, LLC, CONSECO, INC.,  
VORNADO REALTY TRUST, GERMAN  
AMERICAN CAPITAL CORP., DEUTSCHE BANK,  
AG., EASTDIL SECURED, LLC, HARRY  
MACKLOWE, FIG, LLC, CERBERUS CAPITAL  
MANAGEMENT, LP, LAZARD FRERES & CO.,  
LLC, KIRKLAND & ELLIS, LLP, FRIED, FRANK,  
HARRIS, SHRIVER & JACOBSON LLP, CARMEL  
FIFTH, LLC, 767 MANAGER, LLC, DONALD J.  
TRUMP and John Does "1" through "10," :

Defendants. :

Hon. Barbara S. Jones

08-CV-7900 (BSJ) (THK)

ECF Case

**NOTICE OF MOTION**

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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant Cerberus Capital Management, LP's Motion to Dismiss the Complaint, and upon all prior pleadings and proceedings had herein, Cerberus Capital Management, LP will move this court before the Hon. Barbara S. Jones, Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, New York, at a date and time to be determined by the court, for an order dismissing the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: December 22, 2008

Respectfully submitted,

/s/ David K. Momborquette

Howard O. Godnick

David K. Momborquette

Jason Mitchell

Schulte Roth & Zabel LLP

919 Third Avenue

New York, New York 10022

(212) 756-2000

david.momborquette@srz.com

*Attorneys for Defendant Cerberus Capital  
Management, LP*